

SUBCHAPTER 13. CERTIFICATION OF INDIVIDUALS AND BUSINESS FIRMS

7:14B-13.1 General requirements for certification

(a) No individual shall provide services on an underground storage tank system regulated pursuant to N.J.S.A. 58:10A-21 et seq. and this chapter for the purpose of complying with this chapter, unless the individual is certified or working under the immediate, on-site supervision of a person certified in accordance with this subchapter.

(b) The Department shall issue a certification card to an individual meeting the requirements for certification pursuant to this subchapter. The certification card shall identify the duration and classification(s), for which the individual is certified to perform services. The certified individual shall make this certification card available to the Department or its authorized agent upon request.

(c) The Department shall issue a certificate to a business firm meeting the requirements for certification pursuant to this subchapter. The certificate shall identify the classification(s) for which the business firm is certified to perform services. The business firm shall conspicuously display the certificate for public review in the business office of the business firm. If a business firm maintains a business office at more than one location, a duplicate certificate, issued by the Department, shall be conspicuously displayed at each location.

(d) The owner or operator of an underground storage tank system shall ensure that all services performed on regulated underground storage tank systems pursuant to N.J.S.A. 58:10A-21 et seq. and this chapter are performed by a certified individual or under the immediate, on-site supervision of a certified individual. If a certified individual is not present at the underground storage tank site, the owner or operator shall suspend all regulated activities in that classification of service.

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(e) No individual shall perform any service pursuant to N.J.A.C. 7:14B except as provided for by (f) below, unless:

1. The individual is a permanent employee at a business firm which is certified in the classification of service being performed and the individual is certified in the classification of service being performed; or

2. The individual is working under the immediate, on-site supervision of an individual certified in the classification of service being performed and both individuals are employed at the same business firm which is certified in the classification of service being performed.

(f) An owner or operator of an underground storage tank system, or the permanent employee of an owner or operator may perform any service on the owner's or operator's underground storage tank provided the individual is certified in that classification of service. Certification of the owner or operator as a business firm is not required if the owner or operator can provide to the Department proof of financial responsibility assurance in accordance with N.J.A.C. 7:14B-13.8 or 40 C.F.R. Part 280 for the remediation of a hazardous substance discharge resulting from the performance of such service(s).

(g) Certifications are not transferable.

(h) A certified individual or business firm shall notify the Department in writing, within three business days, at the address in (j) below, of any amendments to the certification, other than those created by passing an examination or the loss of the certification card or certificate.

(i) A business firm or individual performing well drilling or pump installation services at the site of an underground storage tank who is licensed to perform such services

pursuant to N.J.S.A. 58:4A-11 shall not be required to be certified to perform these services pursuant to this subchapter.

(j) If a certified individual listed as the business firm's certifying individual pursuant to N.J.A.C. 7:14B-13.3(b) below, either leaves the business firm or loses his or her certification, the certified business firm shall so notify the Department, in writing at the following address:

New Jersey Department of Environmental Protection
Examination and
PO Box 441
Trenton, NJ 08625-0441

Notification shall be made within three working days of the individual leaving the business firm or losing his or her certification. The Department shall withdraw the business firm's certification if a replacement name of an individual certified in that classification of service is not submitted within 30 calendar days of notification.

(k) A certified individual shall sign the certification statement pursuant to N.J.A.C. 7:14B-10.3(b) for all documents prepared pursuant to this chapter and submitted to the Department.

(l) When a permit is required to be obtained through the local construction office, for the purposes of complying with N.J.A.C. 7:14B, the individual's certification card and a copy of the certification for the business firm shall be available upon request of the local construction official.

7:14B-13.2 Classifications of underground storage tank services

(a) An individual or business firm may apply for certification in any one or more of the following classifications of underground storage tank services:

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1. Installation which may be either entire system installation or release detection monitoring system installation;

2. Closure;

3. Tank testing;

4. Subsurface evaluation; and

5. Corrosion protection system analysis which may be either cathodic protection specialist or cathodic protection tester.

(b) The activities which comprise the above classifications include the following:

1. Entire system installation includes all activities required by this chapter to install underground storage tanks, associated piping, release detection monitoring systems, interior tank lining, and appurtenant equipment including factory installed cathodic protection systems, from the time the ground is broken to the restoration of finished grade at the site. Entire system installation includes the performance of an internal inspection for the purpose of assessing a tank for corrosion protection and the installation of a field installed cathodic protection system when the installer is under the supervision of a cathodic protection specialist or following the plans designed by a cathodic protection specialist. Entire system installation activities include any maintenance or repair of any part of the underground storage tank system or release detection monitoring system.

i. Individuals holding an entire system installation certification shall also be considered to hold the more limited release detection monitoring system installation certification described in (b)2 below.

ii. Entire system installation does not include the installation of discharge detection observation wells unless installed in the manner described in N.J.A.C. 7:14B-4.1(c).

2. Release detection monitoring system installation includes the activities associated with the installation, repair and maintenance of release detection monitoring systems.

i. Release detection monitoring system installation does not include the installation of discharge detection observation wells unless installed in the manner described in N.J.A.C. 7:14B-4.1(c).

3. Closure includes all physical activities required by N.J.A.C. 7:14B relative to the removal or abandonment in place of an underground storage tank, associated piping and appurtenant equipment, from the time the ground is broken until the excavation is filled or until a determination is made that further subsurface evaluation is necessary and the site falls under the on-site supervision of a subsurface evaluator. A certified subsurface evaluator shall be present at the removal of an underground storage tank from the ground as well as during the activities designed to determine the presence and extent of contamination. Closure activities do not include the preparation or implementation of site investigation or remedial investigation workplans or any other remedial action plans or activities, which are the exclusive purview of an individual certified in subsurface evaluation described in (b)5 below.

4. Tank testing includes all activities required by this chapter relative to testing the physical integrity of an underground storage tank and appurtenant piping from inception of the test until removal of testing apparatus from the tank system. The tank testing classification shall not include the activities of air pressure soap tests of tanks or piping where product is not present, which is the exclusive purview of the individual certified in entire system installation described in (b)1 above.

5. Subsurface evaluation includes all activities regarding site investigation, remedial investigation and remedial action and the evaluation for selection of release detection monitoring systems, as follows:

i. For site investigation, subsurface evaluation activities include the preparing or reviewing the closure plan required pursuant to N.J.A.C. 7:14B-9.2, witnessing the tank and/or piping removal, inspecting the tank system for possible holes, inspecting the excavation for contamination, performing (or overseeing) necessary field screening tests, selecting soil and ground water sampling locations, and submitting or reviewing of the report(s) required under N.J.A.C. 7:14B-9.5.

ii. Site investigation, remedial investigation and remedial action activities include, but are not limited to, the development, implementation, or review of soil and/or ground water sampling plans, quality assurance/quality control plans, health and safety plans; overseeing field screening activities; determining the horizontal and vertical extent of contamination; assessing the actual or potential effect of a discharge on receptors; determining appropriate remedial activities for soil and/or ground water contamination; the submittal or review of appropriate site investigation, remedial investigation and remedial action reports, and recommendations for no further action.

iii. Release detection monitoring system selection activities include selecting locations for soil borings, characterizing soils, and determining soil permeability and depth to ground water.

iv. Subsurface evaluation activities do not include:

(1) The design or installation of any treatment works necessary to perform the remedial action, which is the purview of a licensed professional engineer;

(2) The taking of any soil or groundwater samples for laboratory analyses once a certified subsurface evaluation has determined, through on-site observation, the appropriate sample locations; however, the subsurface evaluator must have knowledge of proper sampling and analytical protocols; and

(3) The performance of well drilling or pump installation services which shall be performed by an individual who is licensed to perform such services pursuant to N.J.S.A. 58:4A-11.

6. Cathodic protection specialist includes the activities required by this chapter relative to the design, installation, maintenance and testing of cathodic protection systems for underground storage tank systems.

i. Individuals holding the cathodic protection specialist certification are also considered to hold the more limited cathodic protection tester certification described in (b)7 below.

7. Cathodic protection tester includes all activities required by this chapter relative to the testing of cathodic protection systems for underground storage tank systems.

7:14B-13.3 Application procedures

(a) An individual who wishes to be certified in one or more of the classifications described in N.J.A.C. 7:14B-13.2, or if already certified, who wishes to add a classification of certification, or who wishes to renew the certification, shall apply on forms obtained from the Department at the address listed in N.J.A.C. 7:14B-2.2(b). The information required to be submitted to the Department shall include the following:

1. The name and address of certification applicant;

2. The name and address of the employer of the certification applicant;
3. A history of experience documenting the qualification for certification as required at N.J.A.C. 7:14B-13.4;
4. A listing of education and/or training completed demonstrating the fulfillment of the requirement for certification pursuant to N.J.A.C. 7:14B-13.4;
5. A list of the categories of service being applied for; and
6. The issuance and expiration dates and New Jersey Professional Engineer's license number or New Jersey Master Plumber's license number if the certification applicant is applying for an exemption from the examination.

(b) A business firm which wishes to be certified in one or more of the classifications described in N.J.A.C. 7:14B-13.2, or if already certified, wishes to add a classification of certification, or wishes to renew the certification, shall apply on forms obtained from the Department at the address listed in N.J.A.C. 7:14B-2.2(b). The business firm shall submit with the application:

1. Proof of financial responsibility assurance as defined in N.J.A.C. 7:14B-13.8. A copy of the mechanism of financial assurance shall be submitted; and
2. A copy of the certification card noting each of the requested classifications by:
 - i. The owner, in the case of a sole proprietorship;
 - ii. One or more partners in the business firm, in the case of a partnership; or
 - iii. One or more officers of the corporation, in the case of a corporation.

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(c) The applicant shall sign and certify the application as follows:

1. The following documents required to be submitted to the Department shall be executed and include a certification pursuant to (c)2 below:

i. An individual's application for certification, certification renewal, or proficiency examination pursuant to P.L. 1991, c.123; and

ii. Any document prepared by a certified individual or professional engineer in accordance with this chapter.

2. The documents in (c)1 above shall contain an executed certification as set forth in N.J.A.C. 7:14B-1.7(e).

(d) The applicant shall submit with the application, all appropriate fees, pursuant to N.J.A.C. 7:14B-3.10.

7:14B-13.4 Eligibility

(a) Individuals not satisfying the criteria in N.J.A.C. 7:14B-13.4(b) or (c) below may obtain certification by passing the proficiency examination described in N.J.A.C. 7:14B-13.5. An applicant shall be eligible to take the proficiency examination if the applicant meets the following minimum criteria for each classification for which the applicant is seeking certification:

1. Applicants for the entire system installation classification examination shall meet the following criteria:

i. Either a minimum of two years experience performing installations with participation in at least five installations during each year of experience or nine

months experience with participation in at least 25 installations in that nine-month period;

ii. Completion of training approved by the manufacturer of the equipment installed by the individual; and

iii. Completion of health and safety training given in accordance with the United States Environmental Protection Agency's Standard Operating Safety Guides (Hazardous Materials Incident Response Operations Course (165.5)) and the United States Department of Labor's Occupational Safety and Health Administration's Safety and Health Standards (29 C.F.R. 1910 and 1926 et seq.).

2. Applicants for the release detection monitoring system installation classification examination shall meet the following criteria:

i. Either a minimum of two years experience performing installations with participation in at least five installations during each year of experience or nine months experience with participation in at least 25 installations in that nine-month period;

ii. Completion of training approved by the manufacturer of the equipment to be installed; and

iii. Completion of health and safety training given in accordance with the United States Environmental Protection Agency's Standard Operating Safety Guides (Hazardous Materials Incident Response Operations Course (165.5)) and the United States Department of Labor's Occupational Safety and Health Administration's Safety and Health Standards (29 C.F.R. 1910 and 1926 et seq.).

3. Applicants for the closure classification examination shall meet the following criteria:

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i. Either a minimum of two years experience performing closures with participation in at least five closures during each year of experience or nine months experience with participation in at least 25 closures in that nine-month period; and

ii. Completion of health and safety training given in accordance with the United States Environmental Protection Agency's Standard Operating Safety Guides (Hazardous Materials Incident Response Operations Course (165.5)) and the United States Department of Labor's Occupational Safety and Health Administration's Safety and Health Standards (29 C.F.R. 1910 and 1926 et seq.).

4. Applicants for the tank testing classification examination shall meet the following criteria:

i. A minimum of two years experience performing tank testing services with participation in at least five tank tests during each year of experience or nine months experience with participation in at least 25 tank tests within that nine-month period;

ii. Completion of training approved by the manufacturer of the testing equipment; and

iii. Completion of health and safety training given in accordance with the United States Environmental Protection Agency's Standard Operating Safety Guides (Hazardous Materials Incident Response Operations Course (165.5)) and the United States Department of Labor's Occupational Safety and Health Administration's Safety and Health Standards (29 C.F.R. 1910 and 1926 et seq.).

5. Applicants for the cathodic protection specialist classification examination shall possess a certification from NACE International in the category of cathodic protection specialist; and

6. Applicants for the cathodic protection tester classification examination shall meet the following criteria:

i. A minimum of two years experience performing cathodic protection system testing with participation in at least five tank tests during each year of experience or nine months experience with participation in at least 25 tests within that nine-month period;

ii. Fulfill all requirements in accordance with the requirements of NACE International's Certification Committee for the category of cathodic protection tester, corrosion technologist, or senior corrosion technologist; and

iii. Completion of health and safety training given in accordance with the United States Environmental Protection Agency's Standard Operating Safety Guides (Hazardous Materials Incident Response Operations Course (165.5)) and the United States Department of Labor's Occupational Safety and Health Administration's Safety and Health Standards (29 C.F.R. 1910 and 1926 et seq.).

7. Applicants for the subsurface evaluation classification examination shall meet the following criteria:

i. A bachelor's degree from an accredited institution in a natural (earth, biological, or environmental) science or appropriate engineering discipline;

ii. Either a minimum of two years experience performing subsurface evaluation services with participation in at least five subsurface evaluation services performed during each year of experience or nine months experience

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with participation in at least 25 subsurface evaluations in that nine-month period;
and

iii. Completion of appropriate health and safety training given in accordance with the United States Environmental Protection Agency's Standard Operating Safety Guides (Hazardous Materials Incident Response Operations Course (165.5)) and the United States Department of Labor's Occupational Safety and Health Administration's Safety and Health Standards (29 C.F.R. 1910 and 1926 et seq.).

(b) Any individual possessing a valid New Jersey Professional Engineers License, issued pursuant to N.J.S.A. 45:8-27 et seq., shall be eligible for certification in all classifications upon application to the Department and shall be exempt from the examination requirements of (a) above and individual certification fee requirements of N.J.A.C. 7:14B-3.10.

(c) A licensed plumbing contractor, defined pursuant to N.J.S.A. 45:14C, shall be eligible for certification in the classifications of entire system installation, closure and tank testing of waste oil underground storage tank systems upon application to the Department and shall be exempt from the examination requirements of (a) above and fee requirements of N.J.A.C. 7:14B-3.10. Licensed plumbing contractors seeking individual certification in the categories of Corrosion Protection System Analysis or Subsurface Evaluation on waste oil underground storage tanks or all regulated services on underground storage tanks other than waste oil are subject to applicable requirements for certification listed in (a) above, including all applicable fees pursuant to N.J.A.C. 7:14B-3.10.

(d) As a condition to the certifications granted in accordance with (b) and (c) above, a certified individual shall attend a Department approved course on the regulations governing underground storage tank system management in New Jersey within one year prior to or after the effective date of the certification.

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7:14B-13.5 Examinations

(a) As a condition of initial certification, an individual is required to pass an examination in each classification of service for which the applicant is seeking certification, unless exempted by N.J.A.C. 7:14B-13.4(b) or (c).

(b) Failure to pass an examination shall result in the denial of the application for certification and the forfeiture of all application fees.

(c) Any applicant who submits false, inaccurate or incomplete information when applying for certification may be disqualified from taking the examination or receiving the certification.

(d) The Department shall issue each applicant who passes the examination and pays the appropriate fee pursuant to N.J.A.C. 7:14B-3.10 a certification in the classification for which the applicant passed the appropriate examination.

7:14B-13.6 Continuing education requirements

(a) As a condition for renewal of certification, all certified individuals shall attend annual eight-hour health and safety refresher courses as required by 29 C.F.R. 1910.120(e)(8).

(b) As a condition for renewal of certification, all certified individuals shall complete a Department-approved training course on the Department's rules and regulations concerning underground storage tanks within one year prior to renewal.

7:14B-13.7 Renewal requirements

(a) The certification of each individual and business firm shall be valid for three years.

(b) Individual certifications may be renewed by submitting a complete renewal application and the application fee to the Department at least 60 calendar days prior to expiration of the current certification.

(c) Business firm certifications may be renewed by submitting a complete renewal application, the application fee, and a copy of the certification of those individuals through which the business firm is certified, to the Department at the address listed in N.J.A.C. 7:14B-13.1(j) at least 60 calendar days prior to expiration of the current certification.

(d) No individual may perform services for which certification is required after the expiration of a certification. An individual who fails to renew his or her certification within 90 calendar days following the expiration date of the certification shall meet the initial certification requirements as required by this subchapter.

(e) Individuals who have acquired additional classifications subsequent to initial certification shall renew all subsequent certifications at the same time as renewing the initial certification.

(f) Proof of the individual's attendance at continuing education courses, required training courses, and supporting documentation of all requisites or prerequisites as required in N.J.A.C. 7:14B-13.6 shall be made available upon request by the Department.

(g) The Department is not responsible for providing notification to any individuals or business firms that certifications are to expire.

7:14B-13.8 Financial responsibility assurance

(a) As a condition of certification or renewal of certification, a business firm engaged in providing underground storage tank services shall maintain evidence of financial responsibility assurance pursuant to this section, for the mitigation or remediation of a hazardous substance discharge resulting from the performance of such services. Financial responsibility assurance in the amount and form required in this section shall be maintained for the term of the certification of the business firm.

(b) A business firm shall provide written notification to the Department 120 calendar days prior to any cancellation or change in status of a mechanism used to provide financial responsibility assurance at the following address:

New Jersey Department of Environmental Protection
Bureau of Underground Storage Tanks
PO Box 433
401 East State Street
Trenton, NJ 08501-0433

(c) Financial responsibility assurance may be demonstrated through one or more of the following mechanisms:

1. Liability insurance as follows:

- i. Liability insurance may be in the form of a separate insurance policy, or an endorsement to an existing policy which covers the remediation of a discharge resulting from the performance of those services which the insured is certified to perform under this subchapter;
- ii. The policy shall provide limits of liability for at least \$250,000 per occurrence and at least \$250,000 annual aggregate;

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iii. The insurer is responsible for the payment of all monies to the limit of the policy, including any deductible applicable to the policy, to the provider of remediation with a right to reimbursement by the insured for any such payment made by the insurer; and

iv. Each insurance policy shall be issued by an insurer that, at a minimum, is licensed to transact the business of insurance or eligible to provide insurance as an excess or surplus lines insurer in New Jersey; or

2. A surety bond, letter of credit, self-insurance or other security posted with the Department in the amount of no less than \$250,000, provided that prior approval for the use of the surety bond, letter of credit, self-insurance or other security posted with the Department is received in writing from the Department.

7:14B-13.9 Denial, suspension, revocation and refusal to renew a certification

(a) The Department may deny, suspend, revoke, or refuse to renew a certification issued pursuant to N.J.A.C. 7:14B-13 for good cause, including:

1. A violation, or abetting another to commit a violation of any provision of this chapter or of N.J.S.A. 58:10A-21 et seq., or of an order issued pursuant to the Act;

2. Making a false, inaccurate or incomplete statement on an application for certification or other information required by the Department pursuant to this chapter or N.J.S.A. 58:10A-21 et seq.;

3. Misrepresentation or the use of fraud in obtaining certification or performing underground storage tank services; or

4. Failure to attend a Department approved course on the regulations as required pursuant to N.J.A.C. 7:14B-13.4(d).

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(b) Within 30 calendar days after receipt of notification of the Department's intent to suspend, revoke, deny or refuse to renew a certification, the applicant or certificate holder may request an adjudicatory hearing pursuant to N.J.A.C. 7:14B-12.2.

(c) The Department may order the certificate holder to cease operations pending the outcome of the adjudicatory hearing if the Department has reason to believe that a condition exists that poses an imminent threat to the public health, safety or welfare.

(d) Suspension, revocation, denial, or refusal to renew a certification shall not bar the Department from pursuing any other lawful remedy available to the Department against the applicant or certificate holder.

(e) Any business firm or person whose certification is revoked shall be ineligible to apply for certification for three years from the date of the revocation. Reapplication shall be for initial certification as per this subchapter.